

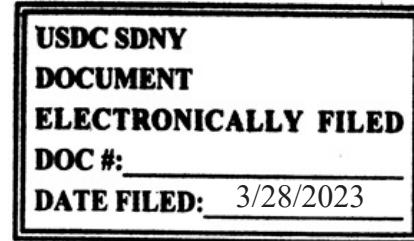
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Via ECF

Honorable Katharine H. Parker
United States Magistrate Judge
U.S. District Court
500 Pearl Street, Room 750
New York, NY 10007
Parker_NYSDChambers@nysd.uscourts.gov

March 27, 2023



Re: Phase One Network, Inc v. Ye, Alex Klein, Kano Computing Limited, et al.

Dear Magistrate Judge Parker:

I represent Ye Defendants in the above captioned case. I am writing to request the Initial Conference that is scheduled for April 3, 2023 please be adjourned to a date convenient for this Court after May 1, 2023. As per your Honor's Individual Practices in Civil Cases Section I. C., requirements for "Requests for Adjournments or Extensions of Time" this is Defendant Ye's first request for an adjournment. Plaintiff has responded with their position regarding such adjournment in a separately filed document consisting of two single spaced pages with an eight page attachment that includes a draft, unfinalized, and unexecuted document between counsel (DKT # 52).

In commitment to the speedy and amicable resolve of this case in this forum, On March 21, I expressed to Phase One's counsel that we would make a good faith effort to move forward with the April 3rd scheduled Initial Conference, however, if we could not fulfill Rule 26(f) obligations before their first available Rule 26(f) proposed conference date of March 27 at 4 pm, that we would request an adjournment to the Initial Conference.

In my Monday, March 27 email attaching our proposed scheduling order (in response to Plaintiff's Friday March 24 at 4 pm first draft of their proposed scheduling order) clarified that such agreement on dates as to all obligations may not be possible as we were still working on gathering information to timely respond to the April 17, 2023 due Answer. I proposed to Plaintiff's counsel that in light of our legitimate concerns balanced with our desire to resolve this case, we could phase discovery in order to set it up for a settlement conference in mid-June. I thrice pointed to our obligations under Your Honor's "Discussion Topics for Rule 26(f) Conference", and how I was not in a position to discuss those, and their proposed dates required such discussions to be completed. I emphasized we did not want to move forward with disclosures without those important discussions in this multi-party case until after the Answer was filed. Hence, I am now requesting this adjournment.

Your Honor, now, I am, separate to the adjournment, also respectfully requesting that this Court please strike Plaintiff's attachment 1 to Docket #52- "Text of Proposed Order Draft of Proposed Case Management Plan -- NOT AGREED". To permit the filing of such drafts between parties will set a precedent that will chill parties from engaging in good faith conversations and draft proposals in the future. Thank you for your time and attention to this matter.

Respectfully Submitted-

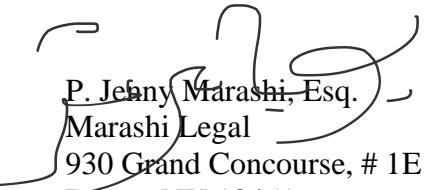
SO ORDERED:

Katharine H Parker

HON. KATHARINE H. PARKER
UNITED STATES MAGISTRATE JUDGE 3/28/2023

Defendants' request to adjourn the conference is DENIED.

The Court will discuss the parties' various positions on a discovery schedule at the April 3, 2023 conference. The Court will set a date for exchanging initial disclosures at the conference, as well as a date for a future settlement conference.


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